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Notice of Allowability	Application No.	Applicant(s)	
	09/639,396	DANIEL ET AL.	
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/26/2004.
2. ☒ The allowed claim(s) is/are 5-9, 16, 17 and 20-41, (renumbered 1-29, respectively).
3. ☒ The drawings filed on 15 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/26/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/26/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Allowable Subject Matter

2. Claims **5-9, 16, 17, and 20-41** (*renumbered 1-29, respectively*) are allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding claim **5**, Chi et al. (U.S. 6,654,341) ("Chi") teaches steps (a) through (d). Chi fails to teach added steps (e) through (g) of Applicant's amendment.

Regarding claims **6-9 and 35-41**, these claims are further limiting to claim **5** and are thus also allowable over the prior art of record.

Regarding claim **16**, Chi teaches a network element having a first line interface coupled to a first ring network, a second line interface coupled to a second ring network, and a cross-connect device including a computer program for monitoring for ring failure conditions. Chi fails to teach where the cross-connect device implements a first task configured to reroute frames of a first ring network in response to a failure in the first ring network as well a second task configured to reroute frames of a second ring network in response to a failure in the second ring network.

Regarding claim **17**, this claim is further limiting to claim **16** and is thus also allowable over the prior art of record.

Regarding claim **20**, Chi teaches a network element having a processor, a plurality of network interfaces, and a computer readable medium containing computer

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code that causes the processor to receive frames from a plurality of ring networks, monitor these frames for a failure condition, detect a failure by reading a portion of a first frame, and determine which ring network has failed. Chi fails to teach providing a portion of the first frame to one of a plurality of tasks in response to a failure, the first task corresponding to the first ring network, providing a portion of a second frame to a second one of a plurality of tasks in response to a failure, the second task corresponding to the second ring network, and rerouting frames of the failing ring network by the first task.

Regarding claims **21-24**, these claims are further limiting to claim **20** and are thus also allowable over the prior art of record.

Regarding claim **25**, Chi teaches a computer program product having the first four sets of instructions as claimed as well as a computer readable media that contains an encoded computer program product. Chi fails to teach a fifth set of instructions configured to provide a portion of the first frame to one of a plurality of tasks in response to a failure, the first task corresponding to the first ring network, and providing a portion of a second frame to a second one of a plurality of tasks in response to a failure, the second task corresponding to the second ring network. Chi also fails to teach a sixth set of instructions configured to reroute frames of the failing ring network using the first task in response to detecting a failure.

Regarding claims **26-29**, these claims are further limiting to claim **25** and are thus also allowable over the prior art of record.

Regarding claim **30**, Chi teaches a network element having means for receiving frames from a plurality of ring networks, means for monitoring these frames for a failure condition, means for detecting a failure by reading a portion of a first frame, and means for determining which ring network has failed. Chi fails to teach means for providing a portion of the first frame to one of a plurality of tasks in response to a failure, the first task corresponding to the first ring network, means for providing a portion of a second frame to a second one of a plurality of tasks in response to a failure, the second task corresponding to the second ring network and means for rerouting frames of the failing ring network using the first task in response to detecting a failure.

Regarding claims **31-34**, these claims are further limiting to claim **30** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments with respect to amended claims **5-9, 16, 17, and 20-34** have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

Conclusion


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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taniguchi (U.S. 6,122,250) discloses material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANK DUONG
PRIMARY EXAMINER

Michael J. Moore, Jr.
Examiner
Art Unit 2666

mjm MM